

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASTE ACTION PROJECT,

Plaintiff,

v.

PLY GEM PACIFIC WINDOWS
CORPORATION,

Defendant.

CASE NO. 2:21-CV-00827-BJR

DEFENDANT PLY GEM PACIFIC
WINDOWS CORPORATION'S INITIAL
DISCLOSURES PURSUANT TO FRCP
26(a)(1)

Pursuant to Fed. R. Civ. P. 26(a)(1), defendant Ply Gem Pacific Windows Corporation ("Ply Gem") makes the following initial disclosures. Ply Gem reserves the right to supplement this information at a later time, either through direct supplementation or through other discovery responses or deposition testimony.

Ply Gem does not waive the right to object to production of any document or tangible thing disclosed herein on the basis of any privilege, the work product doctrine, or any other valid objection. These initial disclosures also are made without waiving the right to object on any and all grounds at any time to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

A. Fed. R. Civ. P. 26(a)(1)(A)(i): The Name and, If Known, the Address and Telephone Number of Each Individual Likely to Have Discoverable Information That the Disclosing Party May Use to Support Its Claims or Defenses, Unless Solely for Impeachment, Identifying the Subjects of the Information.

1. Ply Gem officers, representatives, employees and/or former employees, as identified below, may have knowledge of the claims or defenses in this matter:

- a. Sara Stafford, EH&S Manager;
- b. Todd Harbour, VP, Env. Affairs;
- c. Daniel L. Helman, EH&S;
- d. Dana L. Partridge, Auburn Plant Manager; and
- e. Karl Hakanson, Extrusion Plant Manager.

2. Neil Alongi, Maul Foster Alongi.

3. Other Witnesses to be Determined.

Ply Gem reserves the right to identify other witnesses. Discovery is continuing in this matter and this list of potential witnesses may be amended, modified or added as additional facts are discovered.

B. Fed. R. Civ. P. 26(a)(1)(A)(ii): A Copy, or a Description by Category and Location of All Documents, Data Compilations, and Tangible Things That Are in the Possession, Custody or Control of the Party and That the Disclosing Party May Use to Support Its Claims or Defenses, Unless Solely for Impeachment.

Pursuant to Rule 26(a)(i)(B), Ply Gem discloses the following documents and/or categories of documents that may be used to support its claims or defenses, which it will make available for inspection:

1. Ply Gem Best Management Practices;
2. Ply Gem's training records;
3. Revised May 2021 Stormwater Pollution Prevention Plan;
4. Sampling points and related records;

5. Washington State Department of Ecology (“WSDE”) relevant documents;
6. Stormwater benchmarks;
7. NAICS industrial codes relevant to the facility held by WSDE;
8. 2020 annual report;
9. Q1 2021 discharge monitoring report and subsequent quarterly reports;
10. Documents related to the topics at-issue in this case; and
11. Other documents as determined.

C. Fed. R. Civ. P. 26(a)(1)(A)(iii): A Computation of Any Category of Damages Claimed by the Disclosing Party, Making Available for Inspection and Copying as Under Rule 34 the Documents or Other Evidentiary Material, Not Privileged or Protected From Disclosure, on Which Such Computation Is Based, Including Materials Bearing on the Nature and Extent of Injuries Suffered.

Ply Gem does not seek damages in this case other than statutory costs and attorneys' fees that may be awarded.

D. Rule 26(a)(1)(A)(iv): For Inspection and Copying as Under Rule 34 Any Insurance Agreement Under Which Any Person Carrying on any Insurance Business May Be Liable to Satisfy Part or All of a Judgment Which May Be Entered in the Action or to Indemnify or Reimburse for Payments Made to Satisfy the Judgment.

Not applicable.

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1 DATED this 15th day of September, 2021.

2 **WILLIAMS, KASTNER & GIBBS PLLC**

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all CM/ECF participants.

DATED this 15th day of September, 2021.

s/ Francine M. Artero
Francine M. Artero, Legal Assistant